

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

ALONZO MAYES,

Plaintiff,

v.

ORDER
03-CV-417

E.R. DONNELLY,

Defendant.

This case was referred to Magistrate Judge Victor E. Bianchini, pursuant to 28 U.S.C. § 636(b)(1). On May 28, 2003, plaintiff filed a petition for a writ of certiorari and on March 9, 2009 he filed a motion to amend the petition. On June 30, 2009, Magistrate Judge Bianchini filed a Report and Recommendation, recommending that petitioner's motion to amend be denied and that petitioner's original petition for a writ of habeas corpus be denied.

Plaintiff filed objections to the Report and Recommendation on July 10, 2009. Defendants filed a response thereto.

Pursuant to 28 U.S.C. § 636(b)(1), this Court must make a de novo determination of those portions of the Report and Recommendation to which objections have been made. Upon a de novo review of the Report and Recommendation, and after reviewing the submissions of the parties, the Court adopts the proposed findings of the Report and Recommendation.

Accordingly, for the reasons set forth in Magistrate Judge Bianchini's Report and Recommendation, petitioner's motion to amend is denied and petitioner's original petition for a writ of habeas corpus is denied. The Clerk of Court shall take all steps necessary to close the case.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

DATED: August 21, 2009